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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,059	12/02/2005	Wolfgang Otto Budde	DE03 0020 US	8936

24738 7590 10/27/2010
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
PO BOX 3001
BRIARCLIFF MANOR, NY 10510-8001

EXAMINER

BENOIT, ESTHER

ART UNIT	PAPER NUMBER
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2453

MAIL DATE	DELIVERY MODE
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10/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/542,059
Filing Date: December 02, 2005
Appellant(s): BUDDE ET AL.

Michael E. Belk
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/5/2010 appealing from the Office action mailed 11/5/2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

- Claims 1-13 are rejected and pending in the application.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

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subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

Stecyk et al. (US 2002/0174270 A1), Ben-Ze'ev (US 6,791,467 B1), and Kim (KR 2002011029).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

- I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- II. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stecyk et al. (US 2002/0174270 A1), in view of Ben-Ze'ev (US 6,791,467 B1), and further in view of Kim (KR 2002011029).

With respect to claim 1, Stecyk discloses:

- devices that are connected to an electronic data link, wherein each device of the device (Figure 1 and [0043]) has a name memory for storing a device name uniquely assigned to a device of the devices, to enable the each device to be uniquely actuated within the network (Figure 9B and [0090])
- a mobile input unit having an input device configured to allow input of a desired device name (Figure 4)
- wherein the mobile input unit is configured to select or change the device name stored in the name memory via the electronic data link (Figure 9B and [0090]) and a user entering the desired device name in the mobile input unit (Figures 9A and 9B, *change device name*)

Stecyk does not disclose:

- wherein the electronic data link is configured for allowing communication between the mobile input unit and the device, and wherein the electronic data link has so short a range that, by positioning the mobile input unit in a vicinity of the device, the device is selected among the devices.

However, Ben-Ze'ev discloses:

- having an electronic data link for communication between the input unit and a device, which link has so short a range that, by positioning the input

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unit in the vicinity of a device, this device is selected among the devices on the network (Col. 11, lines 15-24, Col. 14, lines 6-14, and Col. 8, lines 53-64, *where the remote controller detects an appliance in its vicinity and is able to automatically program the appliance to be turned on by the remote controller*); the mobile input unit is brought within the range (Col. 8, lines 53-64, *range can be no more than 100 meters*)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk with the teachings of Ben-Ze'ev to be able to control an appliance that is in the vicinity of the remote controller, *because* it will allow devices that were not originally set up to the remote controller to also be controlled by the controller and indeed provide a universal transmitter to all devices in the home automation network.

Stecyk and Ben-Ze'ev do not explicitly teach wherein in response to the above, the desired device name is automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired device name.

However, Kim discloses wherein in response to the above, the desired device name is automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired device name (Description, *where user changes name of device and writes the name to HAVIUserPreferredName field*).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk and Ben-

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Ze'ev with the teachings of Kim to overwrite the device's name with its new name *because* it will allow the new device name to be changed in memory.

With respect to claim 2, Stecyk discloses wherein the devices have first transmission means of a first type for linking with other devices on the network (Figure 1 and [0043]) and second transmission means of a second type for communication with the mobile input unit (Figure 5)

With respect to claim 3, Stecyk discloses wherein the devices have transmission means of a first type for linking with other devices on the network (Figure 1 and [0043]), and the mobile input unit also has a transmission means of the first type, the device arrangement (Figure 4),

Stecyk does not disclose a means being provided to limit range so that communication between the input unit and a device is of a shorter range than communication between two devices.

However, Ben-Ze'ev discloses a means being provided to limit range so that communication between the input unit and a device is of a shorter range than communication between two devices (Col. 8, lines 51-58)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk with the teachings of Ben-Ze'ev to be able to control an appliance that is in the vicinity of the remote controller, *because* it will allow devices that were not originally set up to the

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remote controller to also be controlled by the controller and indeed provide a universal transmitter to all devices in the home automation network.

With respect to claim 4, Stecyk discloses wherein the mobile input unit has a wireless transmission means and the devices have a corresponding wireless transmission means for communicating with the mobile input unit and for transmitting the name (Figure 4).

With respect to claim 5, Stecyk does not disclose wherein the range of communication between the input unit and a device is less than 3 meters.

However, Ben-Ze'ev discloses wherein the range of communication between the input unit and a device is less than 3 meters (Col. 8, lines 51-58)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk with the teachings of Ben-Ze'ev to be able to set the range to less than 3 meters, *because* it will allow for a shorter distance to be set so that the controller does not pick up every signal in its range.

With respect to claim 6, Stecyk does not disclose wherein the range of communication between the input unit and a device can be set by the user.

However, Ben-Ze'ev discloses wherein the range of communication between the input unit and a device can be set by the user (Col. 11, lines 15-24)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk with the

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teachings of Ben-Ze'ev to be able to set the range, *because* it will allow for a shorter distance to be set so that the controller does not pick up every signal in its range.

With respect to claim 7, Stecyk does not disclose wherein the input unit has a display for displaying a device name read out from the device.

However, Ben-Ze'ev discloses wherein the input unit has a display for displaying a device name read out from the device (Abstract)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk with the teachings of Ben-Ze'ev to provide a display for displaying a device name on the remote controller, *because* it will allow the user to view either the name of the device they choose to control or an icon representing the device to be controlled.

With respect to claim 8, Stecyk discloses wherein the input unit is suitable for input of a key for the device (Figure 4).

III. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stecyk et al. (US 2002/0174270 A1), in view of Kim (KR 2002011029).

With respect to claim 9, Stecyk discloses having a name memory that stores a device name uniquely assigned to the device, to enable the device to be uniquely actuated within the network (Figure 9B and [0090]), at least one wireless transmitter (Figure 4), wherein the device name stored in the name memory is individually selected

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and/or changed via the wireless receiver (Figure 9B and [0090]) a user entering the desired device name in the mobile input unit (Figure 9A and 9B, *change name option*)

Stecyk does not explicitly teach wherein in response to the above and bringing the mobile input unit within communication range, the desired device name is automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired device name.

However, Kim discloses wherein in response to the above and bringing the mobile input unit within communication range, the desired device name is automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired device name (Description, *where user changes name of device and writes the name to HAVIUserPrefferedName field*).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk and Ben-Ze'ev with the teachings of Kim to overwrite the device's name with its new name *because* it will allow the new device name to be changed in memory.

With respect to claim 10, Stecyk discloses having an input means for the input of a desired device name and a wireless transmission means for transmitting the device name (Figure 4) a user entering the desired device name in the mobile input unit (Figure 9A and 9B, *change name option*)

Stecyk does not explicitly teach wherein in response to the above and bringing the mobile input unit within communication range, the desired device name is

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automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired device name.

However, Kim discloses wherein in response to the above and bringing the mobile input unit within communication range, the desired device name is automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired device name (Description, *where user changes name of device and writes the name to HAVIUserPreferredName field*).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk and Ben-Ze'ev with the teachings of Kim to overwrite the device's name with its new name *because* it will allow the new device name to be changed in memory.

With respect to claim 11, Stecyk discloses a desired device name is entered with an input means belonging to a mobile input unit and the input unit is brought into the vicinity of a device, and the device name being entered is transmitted via an electronic data link from the mobile input unit to the device, the device name stored in the device being selected or changed as appropriate (Figure 9B and [0090]) a user entering the desired device name in the mobile input unit (Figure 9A and 9B, *change name option*)

Stecyk does not explicitly teach wherein in response to the above and bringing the mobile input unit within communication range, the desired device name is automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired device name.

However, Kim discloses wherein in response to the above and bringing the mobile input unit within communication range, the desired device name is automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired device name (Description, *where user changes name of device and writes the name to HAVIUserPreferredName field*).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk and Ben-Ze'ev with the teachings of Kim to overwrite the device's name with its new name *because* it will allow the new device name to be changed in memory.

With respect to claim 12, Stecyk discloses the plurality of devices on the network includes at least one of the following: a home network having a plurality of electronic devices, building control devices, home entertainment electronics devices, or network control devices (Figure 1 and [0043]).

With respect to claim 13, Stecyk discloses wherein the plurality of devices on the network includes at least one of the following: a home network having a plurality of electronic devices, building control devices, home entertainment electronics devices, or network control devices (Figure 1 and [0043]).

(10) Response to Argument

With respect to claims 1, and 9-11, the appellant states Kim fails to teach the limitation, "wherein in response to a user entering the desired device name in the mobile

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input unit and bringing the mobile input unit within the range, the desired device name is automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired name". The examiner respectfully disagrees with the appellant. Kim discloses a connection device name setting method for a home system. In the Description, Kim discloses using a remote controller to change the name of a home network device (Description, page 2, "When a user positions a cursor..."; see Derwent mailed on 11/5/09). Remote controllers in home networks are well known in the art at the time the invention was made, to be utilized for controlling devices within its vicinity or network. The appellant does not specify in these claims or any other claim what the "range" is, but only state the range to be less than 3 meters in dependent claim 5. Given its broadest reasonable interpretation, this limitation allows for an infinite amount of range possibilities to be examined.

With respect to claim 3, the appellant states Ben'Ze'ev fails to teach the limitation, "means to limit the range so that communication between the mobile input unit and the device is of a shorter range than communication between two devices", and "merely discloses the use of different protocols and frequency ranges for communication between a remote controller and appliances". The examiner respectfully disagrees with the appellant. In Col. 8, lines 51-58, Ben-Ze'ev discloses transmitters and receivers that are equipped with a means to limit communication to a close range of each other in order to prevent interference with other devices that are also possibly in communication. Limiting the range of the mobile input unit and the device to a shorter range than communication between two devices, would allow the mobile input unit and

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the device to be close enough to prevent interference. In Col. 8, lines 53-64, Ben-Ze'ev does mention frequency range, however, Ben-Ze'ev also teaches short range communication of 100 meters or less that can be adjusted for the sensitivity of the remote controller.

A full machine English translation for Kim (KR 2002011029) including details, claims, and figures, has also been furnished with this Examiner's Answer for reference purposes.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Esther Benoit/

Conferees:

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